

REMARKS

This Amendment, submitted in response to the Office Action dated August 11, 2004, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-20 are all the claims pending in the application. Claims 1-11 have been rejected under 35 U.S.C. § 112, second paragraph for being indefinite. Claims 7-10 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Edgar (1). Claims 1-6, 11-12, and 14-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Edgar (1), Edgar (2) and Edgar (3).

Applicant has amended claims 1 and 7 to describe “preprocessing” as an “edge enhancement processing.” The subject matter of amended claims 1 and 7 was formerly recited in claims 5 and 8. Claims 5 and 8 have consequently been amended. Further, the dependency of claims 14 and 19 have been amended. Applicant respectfully submits that the modifications raise no new issues since the subject matter was previously pending before the Examiner. Therefore, the amendment should be entered as a matter of course.

I. Rejection of claims 1-11 under § 112, second paragraph

The Examiner maintains the rejection of claims 1-11 under § 112, second paragraph. However, the Examiner has proposed changes to the claims to clarify the current claim language. Applicant has amended the claims as suggested by the Examiner. Applicant respectfully submits that the modifications should be entered as they raise no new issues requiring further

consideration and reduce the issues on appeal. Consequently, the rejection of claims 1-11 under § 112, second paragraph should be withdrawn.

II. Rejection of claims 7-10 under § 102(b)

Claim 7 has been amended as indicated above to describe edge enhancement as preprocessing. In response to Applicant's arguments that Edgar (1) does not disclose the claimed preprocessing, the Examiner asserts that the map of imperfections corresponds to preprocessing. However, assuming the mapping of imperfections in Edgar (1) teaches the claimed preprocessing, the mapping of imperfections is not performed in the manner claimed. In Edgar (1), an infrared image is derived from a film with physical non-image imperfections and a map of the imperfections from this image are employed to cancel their effects. Col. 4, lines 23-28. Red, green and blue image data are also derived. The imperfections are divided out from a red, green and blue spectra in an operation dividing out the infrared image data. Therefore, the mapping of imperfections (preprocessing as argued by the Examiner) is **not** performed as a preprocess, since a read image is obtained prior to preprocessing in the reference. Claim 16 describes the order of the process steps more particularly and is not anticipated or rendered obvious by Edgar (1).

Also, as indicated on page 6, second paragraph of the specification for the present invention, in conventional processes, blemish elimination processing cannot be performed on a defective image until a defective image and an actual image are obtained. Edgar (1) has a similar deficiency. Consequently, an exemplary embodiment of the present invention cures the deficiencies in the prior art such as the deficiencies of Edgar (1).

The Examiner also states, in response to Applicant's argument that the ordering of claim 7 is not disclosed in Edgar (1), that claim 7 does not recite any ordering. In particular, the Examiner states that "reading the defect information of the film and performing preprocessing, then obtaining actual images" is not claimed. Claim 7 recites "reading a defective image" (line 3), "performing processing for the blemish elimination processing **on said defective image**" (line 4) and "performing the blemish elimination processing on a blemish of an actual image **which is obtained** by reading photoelectrically said image, **based on the defective image subjected to said preprocessing**" (lines 6-8). Therefore, claim 7 recites reading defect information, performing preprocessing and obtaining an actual image. Consequently, Applicant respectfully submits that claim 7 recites the ordering of the method which is not disclosed in Edgar (1). For at least these reasons, claim 7 and its dependent claims should be deemed patentable.

III. Rejection of claims 1-6, 11-12, and 14-20 under § 103(a)

Claim 1

In response to Applicant's argument that Edgar (1) teaches away from the present invention, the Examiner asserts that claim 1 explicitly recites "performing blemish elimination processing on an actual image (which has already been obtained) by using a defective image (which has already been obtained)." Claim 1 recites reading a defective image as information related to a defect on the film. Therefore, defect information and not the actual image is read. The image is then photoelectrically read to obtain the actual image. **While** the image is photoelectrically read, preprocessing is performed. Therefore, when preprocessing is being

performed, an actual image is not yet obtained in its entirety. On the contrary, in Edgar (1), both a defective image (infrared image) and an actual image (red, green and blue image data) are obtained, then the mapping of imperfections is performed.

In response to Applicant's argument that Edgar (3) does not disclose performing preprocessing for blemish elimination while photoelectrically reading the image, the Examiner asserts that the reading of an upper bound and a lower bound discloses a preprocessing operation and is performed in parallel with the acquisition of visible image 622. In Edgar (3), a defective image 606 and a visible image 622 are obtained prior to obtaining a corrected image 628. Therefore, although an upper bound infrared image 610 and a lower bound infrared image 618 are obtained, the visible image 622 appears to have already been photoelectrically read. There is no indication in Fig. 6 that the visible image is read during the determination of an upper bound and lower bound. Consequently, blemish elimination processing is not necessarily performed on a defective image while photoelectrically reading the image.

Claim 1 further describes preprocesses as an edge enhancement. For at least the above reasons, claim 1 and its dependent claims should be deemed patentable.

Claim 12

The Examiner asserts that in Edgar (1) the actual image is an image without blemishes. However, the actual image cited by the Examiner is the image comprised of red, green and blue light portions. At that point, the blemishes which are indicated in the infrared image are not yet removed. See Office Action at page 6, second paragraph. Therefore, blemishes still exist on the

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red, green and blue light portions. Consequently, the actual image of Edgar (1) as cited by the Examiner, contains blemishes.

Claim 13

The Examiner did not establish a basis for rejecting claim 13. Consequently, claim 13 should be deemed patentable.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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